

THE COOSAW MATTER

FEDERAL AND STATE COURTS.

States Court Has Jurisdiction in Case--the Questions Presented and Principles Involved.

At the threshold of this case plaintiffs submit two questions to the court. First, Has it jurisdiction in this case? Second, If it has jurisdiction, are the

ality towards the State Court which will induce it to withhold action? Has this court jurisdiction of the case will depend upon two questions: Is a case removable from the State Court to this court? Has it been removed? The case cannot be removed unless it comes within the class of cases provided for by the Constitution of the United States, of which circuit courts are one of the classes. The courts of the United States are given jurisdiction by the first section of the act of Congress of 1883. Section 1 of that act refers to the Circuit Court of the United States original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, except common law or equity where

The sole question, therefore, is: Does the question arise under the constitution of the United States?

The petition for removal states that the relators are acting under and in pursuance of the authority of an act of the assembly of this State, approved December, 1837, which grants that the grant which they have, in which they charge is a contract between them and the said State, is impaired and destroyed by an act of Congress of 1890. That the said act is a violation of the Constitution of the United States.

But is it proper for the jurisdiction of the court.

petition for removal and bond are filed in the court, the cause is removed with the record is filed in this court. The cause will be remanded to the State court if it shall appear to the satisfaction of the court that the cause is not removable.

that such suit does not substantially involve the computation of the propriety of the removal of the said Circuit Court from the act of 1869, in all cases, the removal of the petition for removal is a part of the record, and is examined by the court, and under the act of 1875, the removal is an essential part of the record, and is always examined in determining the removability of a suit. [Authorities are cited in each instance for the proposition.] But the removal act requires the court to examine into the propriety of the removal, and to determine the controversy, and to determine whether it is within its jurisdiction. It is not a mere matter of the record in this case.

whether the State of South Carolina has not passed an act impairing the obligation of a contract alleged to have been made between said State and the defendant, the cause presents a question within the original jurisdiction of this court, and is removable.

The next question is, Has the cause been removed? This being a removable case, as soon as the petition and bond were filed in the State court, the jurisdiction absolutely closed and the

The last question which we are asked to examine is: Are there not considerations of comity or courtesy which should induce this court to withhold review? With regard to considerations of comity, they have no place here; the question is one as to the rights of the citizen, not as to the conduct of the court. In entertaining the petition for removal this court cannot mean any action upon the State court. It simply considers whether the petition has the right to the removal. If it have, refusing it would be a denial of right. CHARLES H. SIMONSON.

Miss Holland's Grit,
MURPHY, N. C., April 22.—About
year ago H. W. Cagle spoke slander
words of Miss Sallie Holland, a you
girl living near Robbinsville, in C
tain County. A warrant was sw
out for his arrest, but he gave b
and fled across the line to Tennessee
few days ago he returned, and M
Holland, learning that he was at
cause of his brother-in-law D. P.

mounting a horse, rode to Owen's rooming house, dismounted, and walked in, pushed up to Cagle's door, opened it, and threw his gun inside. The ball taking effect in the forehead, before she could shoot back, Cagle was disabled. Her assailant's strength took four of the five bullets he fired at her to disarm her. Cagle's wound was serious, but under the escort of her brother-in-law and nephew who arrived with guns, he skipped again.

South African Trouble.

LONDON, April 23.—It is believed that a hostile encounter has taken place between the Portuguese and the British troops in the border regions of

the latest dispatches from the Cape present the company as obstinately hanging to every point of advance, and prepared to repulse the Portuguese by force. Further information is anxiously awaited, although no apprehension is felt as to the result for the company.